

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

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U.S. DISTRICT COURT
DISTRICT OF MASS.

BRIAN C. MARQUIS,
Plaintiff,

C. .A. No.:

v.

Berkshire Community College, et al,
Defendants

04 - 30059 - MAP

MOTION FOR ORDER AUTHORIZING COMMENCEMENT
OF ACTION WITHOUT PAYMENT OF FEES, COSTS,
OR SECURITY

BRIAN C. MARQUIS, Plaintiff herein, shows the Court as follows: Marquis has proposed a constitutional cause of action, and various tort or contract counts against the proposed Defendants. The nature of this action surrounds the Defendants unconstitutional governmental taking, without the right to procedural and substantive due process as proscribed under the Fifth and Fourteenth Amendments. In addition, Marquis alleges Defendants retaliated against him for his filing of a misconduct complaint against one of the Defendants' course instructors, thus, depriving him of his First Amendment right to freedom of speech. Furthermore, Defendants, acting under the color of state law, violated various federal statutes, depriving Marquis, ultimately, of a general community college education.

Marquis respectfully further request this Court allow him to prosecute his cause of action pursuant to 28 U.S.C. § 1915. See Marquis Affidavit attached hereto and made a part hereof for all general purposes.

The above-stated complaint has caused Marquis irreparable harm, and thus, entitles him to redress is in this Court.

WHEREFORE, Marquis, respectfully request that this Court enter an order, pursuant to 28 U.S.C. § 1915, and F.R.Civ.P. 7(b), allowing him to prosecute his cause of action without payment of fees, costs, or furnishing security.

Dated: 22 March 2004

By: 

BRIAN C. MARQUIS
Registered Paralegal
Plaintiff in propia persona
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Lanesborough, MA 01237-9750
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

**BRIAN C. MARQUIS, and all others
similarly situated,**

Plaintiff,

C. A. NO.:

v.

BERKSHIRE COMMUNITY COLLEGE et al,

Defendants

AFFIDAVIT OF BRIAN C. MARQUIS

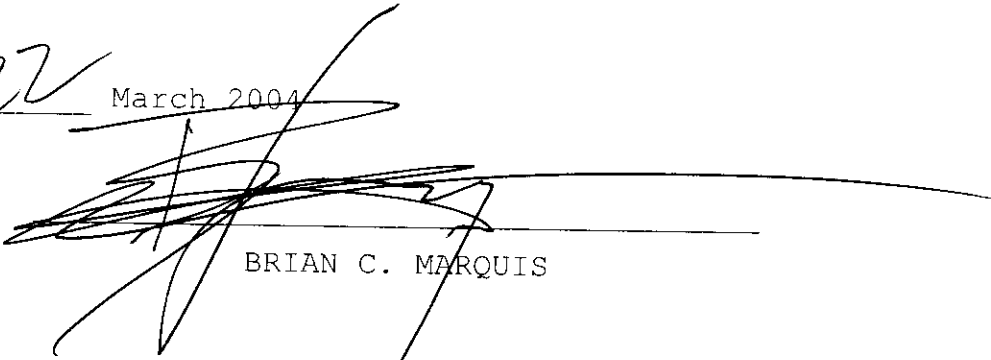
COMES NOW, BRIAN C. MARQUIS, Plaintiff in the above-captioned matter, resident of, Lanesborough, County of Berkshire, Commonwealth of Massachusetts and who makes this higher statement and general Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth herein are true and correct to the best of my knowledge.

1. I have or am bringing this action against the Defendants for violations of constitutional amendments and federal statutes.

2. In bringing this cause of action against defendants, I am unable to meet the required filing fees, security and all other costs associated with the commencement of this action.

3. Due to my debtor status in a Chapter 7 bankruptcy petition, a nominal monthly income derived from the Social Security Disability Insurance (SSDI) trust fund, and a permanent disability enabling me to maintain a meager 10 hour per week part-time employment status, meeting the filing financial requirements and associated costs would cause an undue financial burden upon me and my family.

Dated: 22 March 2004


BRIAN C. MARQUIS

On this 22 day of March 2004, before me, the undersigned notary public, personally appeared Brian Marquis, proved to me through satisfactory evidence of identification, which were Drivers License, to be the person whose name is signed on the proceeding or attached document, and who sworn or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief


Judith Gallant

My commission expires 6/4/2010

